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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,331	01/30/2004	Yukio Fukui	P24873	5222

7590 05/04/2009
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EXAMINER

SHAAWAT, MUSSA A

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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05/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,331	Applicant(s) FUKUI ET AL.	
	Examiner MUSSA A. SHAAWAT	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to amendment filed on 02/17/2009. Claims , 1, 6 and 8-17 have been amended. Claims 1-17 are pending examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The term "assuming" in claims 1 and 6 is a relative term which renders the claim indefinite. The term "assuming" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate corrections are required by the applicant.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hao in view of Sebastian Et al., US Patent No. (Re. 36,602) referred to hereinafter as Sebastian.

As per claim 1 Hao teaches A processing program edition conferencing method that enables an initial contractor that receives a request to manufacture a sheet metal product from a customer, to virtually examine the manufacturing work for the sheet

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metal product using a computer of the initial contractor, the method comprising: a computer of the initial contractor prompting a computer of an outsourcing service center to login to the computer of the initial contractor (see at least col. 7 lines 20-40, figs. 1-9); the computer of the outsourcing center logging in to the computer of the initial contractor (see at least col. 7 lines 20-40, figs. 1-9); and the computer of the outsourcing center thus logged in to the computer of the initial contractor, operating the computer of the initial contractor based on instructions related to a processing edition conference from the initial contractor (see at least col.4 lines 15-67). Hao does not expressly teach receiving the request to manufacture the sheet metal product from the customer.

However Sebastian teaches receiving the request to manufacture the sheet metal product from the customer (see at least Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sebastian into the disclosure of Hao in order to start the process of manufacturing the sheet metal for a customer.

In addition, Both Sebastian and Hao do not expressly teach assuming complete remote control over the computer of the initial contractor. However, the examiner takes Official notice that assuming complete remote control over a computer is old and well known in the art at the time the invention was made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disclosure of Hao in view of Sebastian to include the teachings of Official Notice in order to provide business with flexibility of providing the service of technical troubleshooting for their

customers from anywhere via PC anywhere for example, without having the need to travel to the customer's location.

Hao does not expressly teach “*to assist in planning of the manufacture of the sheet metal product*”; however, this is an intend of use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

As per claims 2-3, Hao does not expressly teach creating a control program for an NC machine tool for producing the sheet metal product and calculating estimated cost to manufacture the product. However Sebastian teaches creating a control program for an NC machine tool for producing the sheet metal product (see at least col.1 line 64-col.2 line 65) and calculating estimated cost to manufacture the product (see at least Col. 13 lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sebastian into the disclosure of Hao in order to provide the customer with concurrently detailed part geometry as well as preliminary design and recommendations.

As per claim 4, Hao teaches a processing program edition conferencing method according to claim 1, further comprising accumulating data obtained by operation of the computer of the initial contractor in connection with the processing edition conference, in a memory of the computer of the initial contractor (see at least col.9 lines 3-45).

As per claim 5, Hao teaches a processing program edition conferencing method according to claim 1, further comprising accumulating data obtained by operation of the computer of the initial contractor in connection with the processing edition conference, in a memory of the computer of the outsourcing service center (see at least col.9 lines 3-45).

As per claim 8, Hao teaches a processing program edition conferencing method according to claim 2, further comprising accumulating data obtained by operation of the computer of the initial contractor in connection with the processing edition conference, in a memory of the computer of the initial contractor (see at least col.9 lines 3-45).

As per claim 9, Hao teaches a processing program edition conferencing method according to claim 3, further comprising accumulating data obtained by operation of the computer of the initial contractor in connection with the processing edition conference, in a memory of the computer of the outsourcing service center (see at least col.9 lines 3-45).

As per claims 7,10-12 and 14-17, the limitations of claims 10-12 and 14-17 are similar to the limitations of claims 2-3 and 8-9, therefore they are rejected based on the same rationale.

As per claims 6-7 and 10-17, the limitations of claims 6-7 and 10-17 are similar to the limitations of claim 1-5 and 8-9; therefore they are rejected based on the same rationale.

6. Examine Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSSA A. SHAAWAT whose telephone number is (571)272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mussa A Shaawat/
Examiner, Art Unit 3627
April 30, 2009

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627